

November 14, 2005
Seven o'clock P.M.
North Little Rock School District Board Room
2700 Poplar
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, November 14, 2005, was called to order at 7:00 p.m. by the honorable GARY BERRY, Acting Mayor. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk DIANE WHITBEY and City Attorney PAUL SUSKIE were also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the minutes from a regular council meeting held on Monday, October 24, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications #2, 3, 5, and 6 were not read, accepted and filed (8/0).

2. Mike Wilson, Vice President of Government Affairs Comcast re: more channel additions.

3. Sharon Tedford, Mayor's Office memorandum re: replacement retail liquor and beer off premise permit for Boulevard

Wine & Spirits, 11905 Maumelle Boulevard by Warren Kelley Bass, Jr.

5. Sharon Tedford, Mayor's Office memorandum re: new restaurant wine and beer on premise permit for Pasta Jack's Italian,

9811 Maumelle Boulevard by Wayne M. Bettoney.

6. Charlotte Thomas, Mayor's Office memorandum re: change of manager for Applebee's Neighborhood Grill & Bar, 4333

Warden Road by James Lamont Ratliff.

On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Mayor Hays letter to Diane Whitbey, City Clerk and City Council members re: out of town Monday, November 14, 2005,

attending American Public Power Association Legal Seminar in San Antonio, Texas. Alderman Berry to preside over council meeting.

On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communication #1 was read by title only, accepted and filed (8/0).

1. Wayne Rathbun, District Manager - Waste Management letter to Mayor Hays re: increase effective December 1, 2005,

from \$1.80 per month to \$1.89 based on 5.2% upward fluctuation in Consumer Price Index (CPI).

OLD/UNFINISHED BUSINESS

R-05-150

A RESOLUTION ACCEPTING THE LOW BID OF SIGNS FIRST FOR A SIGN AT THE NORTH SHORE MARITIME CENTER IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read and held at the request of Acting Mayor Berry for the sponsor, Mayor Hays.

O-05-71

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 7697 TO REMEDY AN ERROR IN A MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on September 26, 2005, was read a second time on October 13, 2005, was read a third and final time. Mr. Suskie advised the purpose of this ordinance was to correct an error in zoning. Mr. Robert Voyles, Planning Director said the land use plan for this property is R-4 (adopted in 2002). Mr. Ron Keltner owns the two properties West of this property which has been a salvage yard in the past. Adjacent properties are leased to landscaping companies. Mr. Keltner said he received notice of the proposed ordinance on September 26, 2005. Mr. Gene Pfeifer owns land on the South side of Young Road along the entire length (from North Shore Drive East to the abandoned White Oak Bayou Bridge). He also owns land on the North side East of the site in question. Mr. Pfeifer said Young Road is a blighted area and by not supporting this issue, cleanup of the area can begin. The Planning Commission has recommended Concrete Manufacturing in I-3 zones only and as a conditional use in I-2. The roll having been called, and the following members voted no: Gipson, Bryant, Berry and Hight, the following members abstained: Thomas and Parker, and the following members voted in the affirmative: Robinson and Witcher, the motion failed (2/6).

O-05-72

AN ORDINANCE AMENDING ORDINANCE NO. 7697 REGARDING CONCRETE PLANTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the legislation was amended as follows:: *substitute legislation provided this date* (8/0). Alderman Gipson asked that a public hearing be scheduled for 7:05 p.m., Monday, November 28, 2005. Alderman Bryant asked why another condition was being added and suggested removing conditional uses. Alderman Parker said all concrete plants in the city are zoned I-2 (with the exception of one). The legislation was then held at the request of the sponsor, Alderman Gipson.

Alderman Berry asked Mr. Voyles to provide a map illustrating pockets of land currently surrounded by the City of North Little Rock.

O-05-76

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time October 24, 2005, was called and held at the request of Acting Mayor Berry for the sponsor, Mayor Hays.

Alderman Witcher requested a recess. Acting Mayor Berry recessed the council meeting at 7:30 p.m. The meeting was reconvened at 7:34 p.m.

NEW BUSINESS

R-05-155 (RESOLUTION NO. 6854 - MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. Acting Mayor Berry convened a public hearing regarding this legislation. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-156 (RESOLUTION NO. 6855 - MAYOR HAYS)

A RESOLUTION APPROPRIATING A ONE-TIME PAYMENT OF \$357,200.00 FROM THE 2005 GENERAL FUND TO PROVIDE MONIES TO PULASKI COUNTY FOR THE 2006 OPERATIONS OF THE PULASKI COUNTY REGIONAL DETENTION FACILITY; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Gipson and seconded by Alderman Witcher. Alderman Thomas asked if all entities in Pulaski County will have to pay their share. Alderman Bryant asked if the legislation should include specific wording regarding payment and advised his disappointment with the county . A year ago, money was budgeted based on the counties reported needs. Police Chief Danny Bradley advised people arrested for misdemeanor and/or some felony charges in North Little Rock are released before being taken to the jail due to its closure. Space is made for felony crimes (murder, rape and armed robbery). The proportion of the amount of funding from North Little Rock is based on arrests made in the city. Chief Bradley said if funding for at least 960 beds is not provided, the city will not provide the funding included herein. People are being arrested and released. People are not showing up for hearings in Municipal Court, resulting in failure to appear warrants. If the county is not able to open more than 80 beds, then the appropriation will not be helpful. Five Patrol Officers will be working in the North Little Rock Book-in site. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (8/0).

R-05-157 (RESOLUTION NO. 6856 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RELEASE OF LIEN ON CERTAIN PROPERTY LOCATED AT 1620 CHANDLER STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-05-80 (ORDINANCE NO. 7754 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "WILCOX ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING WILCOX ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). Alderwoman Robinson asked about reviews of the plats for the area. Mr. Voyles said there will be approximately 400 homes. One subdivision (Ashley Downs) is to be a gated community allowing horses, which are allowed (one per acre). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-81 (ORDINANCE NO. 7755 - MAYOR HAYS)

AN ORDINANCE TO RECLASSIFY CERTAIN SCHOOL PROPERTIES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THEIR PRESENT VARIOUS ZONING CLASSIFICATIONS TO O-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). Alderman Parker asked if O-1 allowed anything other than school properties. Mr. Voyles said schools were removed in 1984. Zoning Classification O-1 is primarily for public facilities and open spaces (government and school properties). Alderman Parker asked about the O-1 classification Big Rock Masonic Lodge (Exhibit 1323Q). The ordinance was read a third and final time. The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-82 (ORDINANCE NO. 7756 - ALDERMAN THOMAS)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 5010 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-3 TO ~~C-4~~ C-3

CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Voyles said a fence company has operated from this location for approximately 30 - 35 years and the business is now expanding at the same location. Alderman Thomas said the owner was not aware of the R-3 classification. At this time, the property will be used as a fence company. The applicant, Mr. Dennis Fisk said his company works on gated communities and gate operators with 80 percent of their business done at the installation site. Alderman Bryant asked if a building permit had been issued. Mr. Fisk said he had not acquired a building permit. On the motion of Alderman Thomas and seconded by Alderman Gipson, and by consent of all members present, the ordinance was amended as follows: *first whereas delete has not been considered and but is on the agenda and insert* WAS DULY CONSIDERED AND APPROVED (7 AFFIRMED VOTES, 1 NEGATIVE VOTE) (8/0). After discussion and on the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the ordinance was again amended as follows: *change C-4 to C-3 Classification* (8/0). On the motion of Alderman Gipson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading as amended (8/0). On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-05-83 (ORDINANCE NO. 7757 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A WELDING SHOP IN A ~~C-4~~ C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5010 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows: *first whereas delete has not been considered and but is on the agenda and insert* WAS DULY CONSIDERED AND APPROVED (7 AFFIRMED VOTES, 1 NEGATIVE VOTE) *and change C-4 to C-3 Classification* (8/0). On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading as amended (8/0). On the motion of Alderman Thomas and seconded by Alderman Gipson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Alderman Hight announced the Hometown Holiday Concert in North Little Rock with the Arkansas Symphony Orchestra, Friday, December 2, 2005, at 7:30 p.m. Tickets are available in the City Clerk's Office at 300 Main Street. Alderwoman Robinson asked about the status of the manufactured home on Boyer. An agreement between the owner and the city will expire on the 15th. Mr. Bobby Taylor said the concrete blocks are not in place and the structure is falling apart. Mr. Suskie said if the owner has a pending building permit, then code enforcement could tag the property for being in violation of city codes. Alderman Bryant reminded residents the leaf vacuum has resumed pickup in the city. Alderman Parker attended a meeting regarding the jail situation. He will support a resolution endorsing the council's commitment to resolve the problem. Funding and operations are problems and 960 beds are inadequate. A Task Force needs to be appointed to review the problem. Alderman Gipson said part of the problem is due to the state prisons not having room to accept convicted criminals resulting in a backup in the county jail. Sergeant Herman Hutton, Pulaski County Sheriff's Department (candidate for Sheriff) advised the current county jail expenses are approximately \$22 million. In 1994, the county provided \$4 million to fund the jail, that amount is now \$19 million. A group of residents are working to find answers. The tax burden needs to be shared throughout Pulaski County. Even with 1,300 beds available, the number was inadequate and the jail was closed 25% to 30% of the time. The methamphetamine

issue is a big problem. The other issue is 91 people are being terminated (effective December 23, 2005) due to a lack of funding. Alderman Bryant commended the students in the NLRTV class for the awards they recently received and thanked those who have been present to video the council meetings. Mr. James Ard congratulated Mr. Davenport at the 911 center. His mother recently had a medical emergency. One of the MEMS crew was wearing rubber gloves and during the call, she wrote on the gloves with an ink pen which was unsanitary. Firemen assisted putting his mother in the ambulance. Mr. Ard said the ambulance driver crossed the yellow line several times in route to the hospital. He suggested the city take over ambulance operations. Ms. Whitbey read information regarding a fund raiser for North Little Rock Friends of Animals, Friday, November 18, 2005. Tickets are \$7.00 for adults and \$4.00 for children.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 8:45 p.m. (8/0), until the next regular meeting to be held on Monday, November 28, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK